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Secretary James C. Kenney
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
Santa Fe, NM 87505

RE: NGVAmerica Comments on the California Advanced Clean Truck Rule for New Mexico

Dear Secretary Kenney:

Natural Gas Vehicles for America (NGVAmerica), the national trade association for the natural gas vehicle industry, respectfully submits the following comments to the New Mexico Environment Department's (NMED's) proposed adoption of the California Advanced Clean Truck Rule.

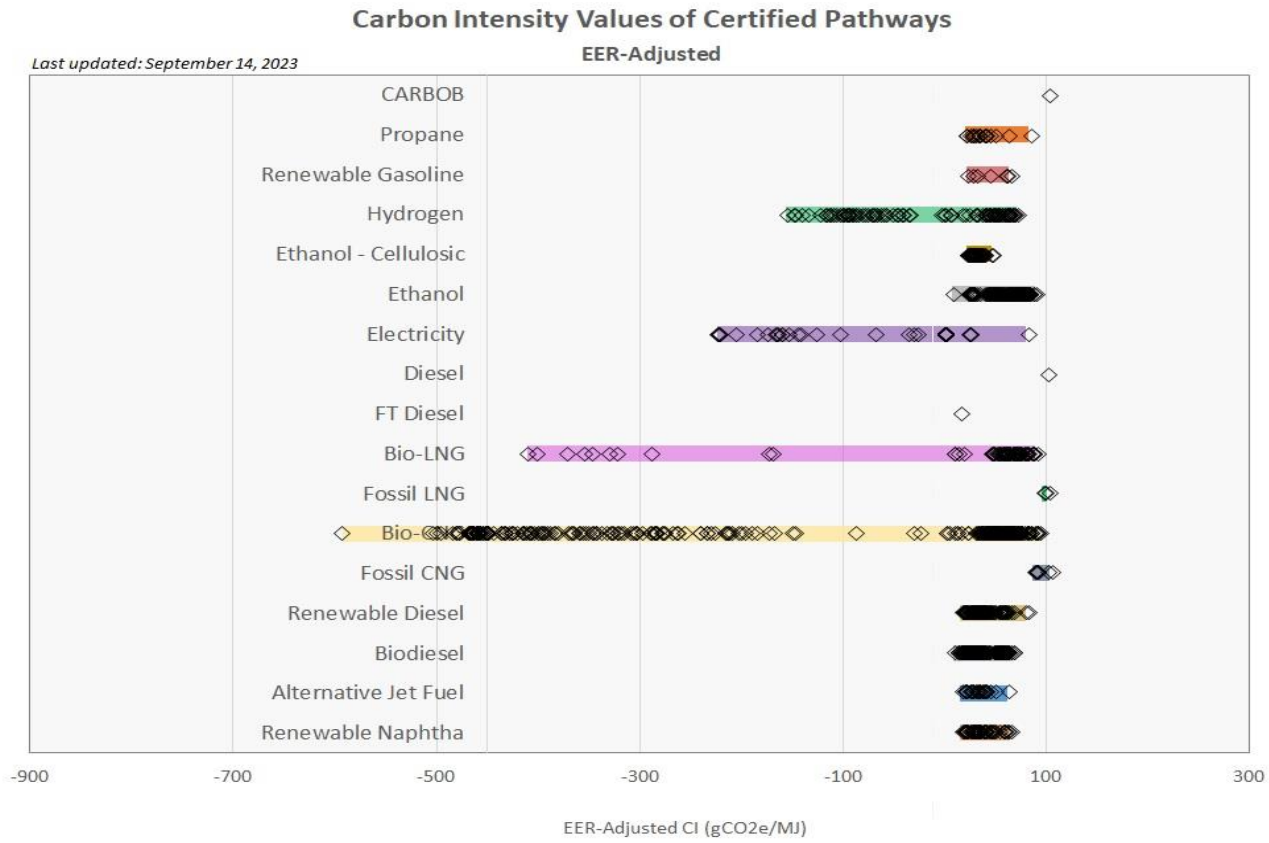
NGVAmerica endorses strategies that support the use of zero emission vehicles (ZEV), near-zero emission vehicles and a transition to low-carbon transportation fuels such as conventional natural gas and renewable natural gas (RNG or biomethane), and hydrogen. There is **no one solution** to the pressing environmental issues facing the transportations sector. Policy makers should move quickly to deploy those technologies and solutions that are readily available, maximize cost-effective emission reductions, and provide a real pathway to carbon neutral or carbon-negative emissions.

The California (CA) Advanced Clean Truck (ACT) Rule chooses technology winners regardless of the availability and maturity of the product or appropriateness for the transportation purpose. It is a "tailpipe" only approach to emissions reductions, ignoring emissions throughout the life cycle of a transportation fuel/technology. New Mexico has a long history of being technology neutral for transportation vehicles, and energy in general. Adopting the CA ACT Rule as that program currently exists would undermine New Mexico's ability to use the best fuel for the appropriate purpose and reduce the most emissions.

Converting medium and heavy-duty (MHD) vehicle transportation networks to natural gas provides a readily available, proven, and cost-effective solution to accelerate the transition to a low-carbon transportation future. Further, dedicating program resources to cleaner alternative fuel technologies that are available now will significantly and immediately benefit all communities by maximizing the displacement of older, higher emitting trucks and buses, including those higher emitting vehicles that operate in communities that are underserved by clean transportation options. Adopting the CA ACT Rule eliminates this and other important and available sources of emission reducing technology because it ignores the contribution of biofuels such as biomethane to reducing greenhouse gas emissions.

Natural gas near-zero engines produce at least 90% *less* NOx than the cleanest diesel engines by operating at virtually zero NOx emissions (0.02 g/bhp-hr or less). When renewable natural gas or RNG is used, there are reduced life cycle emissions of greenhouse gases that in some cases can be net zero or even carbon negative. According to the California Air Resources Board, RNG vehicles are the cleanest vehicles available on a life cycle emissions basis and they already support all duty cycles. ***It is critical to understand that NGVs already have lower NOx levels than the impending U.S. EPA Heavy Duty Truck NOx Rule requiring trucks to operate at* 0.035 g/bhp-hr by 2027*.***

Using California as an example, their 2022 annual data shows that NGV fuel usage was 97% RNG and confirms the energy weighted carbon intensity (CI) value of California's RNG vehicle fuel portfolio is below zero at -111.7 gCO2e/MJ. Renewable CNG (dairy gas) pathways have been approved at levels as low as -600 gCO2e/MJ. Additional information may be found at this link, LCFS Pathway Certified Carbon Intensities | California Air Resources Board and the CA Carbon Intensity Values Chart follows:



Amazon is using thousands of Classes 6 through 8 trucks, choosing natural gas vehicles because they would not buy diesel trucks and could not buy electric trucks now or in a reasonable timeframe. UPS, PepsiCo, WM, Republic Services, Piedmont Natural Gas, City of Raleigh, Los Angeles World Airports Buses, City of Los Angeles, City of Fresno Transit, LA Metro Transit, fleets operating at New York's Hunts Point , Denver International Airport Buses and equipment and many other fleets have chosen NGVs as the only available non-diesel heavy-duty truck that outperforms other alternative technologies in all aspects of vehicle operation.

New Mexico also has many CNG stations and CNG fleets including Santa Fe Trails/Santa Fe Metro Fleet, City of Santa Fe, City of Albuquerque, City of Socorro, University of New Mexico, Buchman Recycling, UPS and WM in Albuquerque, Universal Waste, and others Adopting the CA ACT Rule would negate the investment these companies and organizations have made in providing New Mexico with cleaner air and reduced emissions.

To support NGV and RNGV markets in Asia, Europe, South America the U.S. and elsewhere, Cummins is growing its worldwide natural gas engine division to fulfill the demands for immediate diesel alternatives across the world. They also are bringing forward a new heavy-duty 15L natural gas engine that provides the power and performance of diesel and that is 500 pounds lighter and more efficient. This new engine is the final piece in producing a full line of diesel equivalent MD/HD natural gas engines.

Investments in RNG-fueled trucks and transit buses accessing ports, cities, and densely-populated neighborhoods are the most immediate and fiscally-responsible investment to clean our air and combat climate change. Communities get more clean vehicles having greater clean air and climate impact for the money with natural gas than with any other alternative fuel option, especially electric. No other transportation fuel is as sustainable, adaptive, and competitive across all applications and vehicle classes. And heavy-duty natural gas trucks are not demonstration science projects; they are proven, scalable, and on U.S. roads today. We will not meet emissions reductions goals or timeframes without using natural gas.

The urgency of emissions reduction is the reason the ACT Rule is being considered and NGVAmerica strongly believes that RNG natural gas vehicles must be **promoted** in New Mexico today if emissions reductions are to occur in any reasonable timeframe. The RNG carbon negative opportunity was not fully understood when California created their Advanced Clean Truck Rule that focuses only on tailpipe emissions solutions, and this rule now does not represent the best way to reduce emissions. Therefore, New Mexico should not make the same mistake as California by copying their Advanced Clean Truck Rule.

A Clean Fuel Standard program that is supported by NMED as a positive, technology neutral and highly effective emissions reduction program would accelerate emissions reduction even more with the infrastructure and NGVs that are in place today. We suggest that New Mexico reconsider any plans to adopt the ACT Rule, but rather focus on creating a Clean Fuel Standard program that would allow RNG NGVs and other clean fuels to be New Mexico's immediate pathway to a zero-emission future.

Thank you for your consideration, and please contact me at smerrow@ngvamerica.org or 303.883.5121 with any comments or questions.

Sincerely,

Sherrie Merrow
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